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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**JOHN KESSLER, ADMINISTRATOR OF)
THE ESTATE OF RUTH FOUND HAWKINS,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA,)
Defendant.)**

No. C-06-07492-RS

**STIPULATION TO
VACATE CASE
MANAGEMENT CONFERENCE**

1. A Case Management Conference is currently set for April 24, 2009 in this matter. The parties previously filed several stipulations to continue the Case Management Conference in an attempt to settle this matter.

2. As of the previous stipulation, the parties were waiting for final approval from those individuals with full settlement authority and approval of the settlement by the Superior Court of California. As of this date, the Superior Court has approved the parties' final settlement. For that reason, the further Case Management Conference will not be necessary.

3. The parties request that the hearing be vacated at this time. The parties will promptly file a stipulation to dismiss this case after the terms of the settlement have been effectuated.

1 Dated: April 14, 2009

/s/Thomas M. Newman
THOMAS M. NEWMAN
Assistant United States Attorney
Tax Division

4 Dated: April 14, 2009

/s/Heather Munoz
HEATHER MUÑOZ
Attorney for plaintiff

7 ORDER

8 In accordance with the parties' stipulation, IT IS SO ORDERED.

10 Dated: April 20, 2009


RICHARD SEEBORG
United States Magistrate Judge